Note: Effective March 11, 1996, 40 CFR 112.6 is reserved.
For Civil penalties for violations of oil pollution prevention regulations, refer to 33 USC 1321 for Class I and Class II penalties.
Plus a 10% increase assessed cap for Class I and Class II penalties.

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) PLAN INFORMATION GUIDE

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MANUAL ORGANIZATION

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FOREWORD

This document has been prepared by Region III of the U.S. Environmental Protection Agency as an informational and educational guide and may be used in developing spill prevention, control, and countermeasure (SPCC) plans as required under Title 40, Code of Federal Regulations, Part 112 (40 CFR 112). The information contained in this manual has been compiled from existing regulations, EPA documents, and other guidance documents. This document should not be relied upon as the sole source in developing a site-specific SPCC plan; it is intended to be used only as a guide in explaining the SPCC regulations. 40 CFR 112, which is included in Appendix G, is the standard against which SPCC plans are judged and should be used as the primary guide in developing SPCC plans.

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SPCC/FRP OUTREACH
SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLANS/
FACILITY RESPONSE PLANS

Who Can You Call?

Region III FRP/SPCC Hotline	**(215) 814-3452**
Regional Response Center (RRC)	(215) 814-9016 (24 Hours)
National SPCC/OPA Hotline	(202) 260-2342
National Response Center (NRC)	(800) 424-8802
EPA Region III FAX #	(215) 814-3254

For additional information concerning SPCC regulations, call or write the SPCC Coordinator as follows:

Regina A. Starkey, (215) 814-3292
SPCC Coordinator
U.S. Environmental Protection Agency
Region III, Removal Branch
Removal Enforcement and Oil Section (3HS32)
1650 Arch Street
Philadelphia, PA 19103-2029

Should the SPCC Coordinator be unavailable to answer questions, please leave a message on the voice mail system. **Any of the following inspectors is also available to provide SPCC/FRP information.**

Linda Ziegler, (215) 814-3277
Oil Program/FRP Coordinator

Fran Burns, (215) 814-3245
Chief, Removal Enforcement & Oil Section

Frank Cosgrove, (215) 814-3284
SPCC Inspector

Michael Welsh, P.E., (215) 814-3285
OSC, SPCC/FRP Inspector

Eduardo Rovira, (215) 814-3436
SPCC/FRP Inspector

Patricia Fleming, (215) 814-2816
SPCC/FRP Inspector

Frank Howard, (215) 814-3162
SPCC/FRP Inspector

Sarah Caspar, (215) 814-3283
SPCC/FRP Inspector

Paula Curtin, (304) 234-0256
Oil Spills Enforcement Specialist

Glen Robinson, (304) 234-0253
SPCC Inspector

Need More Information?

Website Inquiries

EPA Oil Program: http://www.epa.gov/oilspill

- SPCC Requirements & Oil Pollution Prevention Practices Outreach Guides
- NCP Product Schedule
- Current Periodicals and Publications
- EPA Freshwater Spills Symposium
- EPA Oil Program Update & EPA Oil Drop

E-mail: oilinfo@epamail.epa.gov

EPA Information and Hotlines

- National Response Center (NRC) (800) 424-8802
- NCP Product Schedule Information (202) 260-2342
- **For SPCC, FRP, & OPA Information** (800) 424-9346
- Region III Oil Information Line (215) 814-3452

KEY POINTS OF PREVENTION REGULATION

The U.S. Environmental Protection Agency (EPA) Oil Pollution Prevention Regulation, Title 40, Code of Federal Regulations, Part 112 (40 CFR 112), addresses non-transportation-related facilities. The main requirement of facilities subject to the regulation is the preparation and implementation of a Plan to prevent any discharge of oil into waters of the United States. Such a Plan is referred to as a Spill Prevention, Control, and Countermeasure (SPCC) plan.

The main thrust of the SPCC regulation is "prevention" of a discharge as opposed to "after-the-fact" (or "reactive") cleanup measures commonly described in discharge contingency plans. The regulation applies to any onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, providing that all three of the following conditions are met:

- The facility is non-transportation-related (see definition of "non-transportation" in Frequently Asked Questions).

- The aggregate aboveground storage capacity is greater than 1,320 gallons, with a de minimus container capacity of 55 gallons, or the total underground storage capacity is greater than 42,000 gallons.*

- Due to its location, oil discharged at the facility could reasonably be expected to reach waters of the United States or adjoining shorelines.

Facilities that are subject to 40 CFR 112 must prepare and implement an SPCC plan in accordance with guidelines outlined in the regulation. The persons actually responsible for preparing and implementing the SPCC plan are owners or operators of facilities subject to regulation, including persons in charge of departments, agencies, and instrumentalities of the Federal or state governments.

* Completely buried tanks subject to all of the technical requirements of 40 CFR 280 and 281 do not count in the calculation of the 42,000-gallon threshold.

GENERAL REQUIREMENTS OF THE SPCC PLAN

There is no rigid format for an SPCC plan. The guidelines in 40 CFR 112 state that the SPCC plan must be carefully thought out, prepared in accordance with 40 CFR 112 requirements and good engineering practices, and approved by management at a level with the authority to commit the resources necessary to implement the Plan. 40 CFR 112.7 requirements state that if the Plan does not follow the sequence specified in 40 CFR 112.7, the Plan must be equivalent and acceptable to the Regional Administrator and address all the requirements in 40 CFR 112.7. The Plan must also be supplemented with a section cross-referencing the location of requirements listed in Section 112.7 with the equivalent requirements in the Plan.

The SPCC plan should clearly address three areas:

- Operating procedures to prevent the occurrence of oil discharges
- Control measures to prevent a discharge from entering navigable waters
- Countermeasures to contain, clean up, and mitigate the effects of an oil discharge that impacts navigable water

DISCHARGE PREVENTION

An essential element of an SPCC plan is a description of measures designed to prevent operational error and equipment failure, which cause most discharges. Operational errors can be minimized through training programs to maintain a high level of personnel efficiency and awareness of the importance of discharge prevention. Equipment failures can be minimized through proper initial selection and construction of processing and storage vessels and pipelines. Regular maintenance of structural integrity and function and frequent inspections (visual and mechanical) to detect leaks around container seams, gaskets, rivets and bolts, flange joints, expansion joints, valves, catch pans, and so forth should be conducted.

While personnel training and equipment maintenance programs are based on industry standards and sound engineering practices, the full support of management is essential to develop and implement effective facility-specific programs for training and maintenance.

DISCHARGE CONTROL

Another important element of the SPCC plan is discharge control. EPA Region III is generally concerned with prevention of discharges from facilities where positive containment devices and systems are practicable and effective. Dikes, retaining walls, curbing, discharge diversion ponds, sumps, etc., fall into the category of positive containment. Only where it is not practicable to provide positive containment does the facility have the option of taking the "contingency" plan approach to discharge control. In such a case, the facility owner/operator must clearly demonstrate the impracticability of providing positive containment.

"Impracticability" pertains mainly to those cases where severe space limitations may

preclude installation of structures or equipment to prevent oil from reaching water. If the installation of structures or equipment listed in 40 CFR 112.7(c) and (h)(1) is not practicable as determined by the facility owner/operator, the SPCC plan must provide a clear explanation why such measures are not practicable. For bulk storage containers, the facility owner/operator must conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping.

If the facility owner/operator has not submitted a response plan under 40 CFR 112.20, the SPCC plan must provide an oil spill contingency plan following the provisions of 40 CFR 109 (see Appendix C) and a written commitment of personnel, equipment, and materials required to expeditiously control and remove any harmful quantity of oil discharged.

DISCHARGE COUNTERMEASURES

Contingency plans are considered "reactive" in nature in that they generally describe after-the-fact actions (discharge countermeasures) that when properly performed can be expected to mitigate the effects of a discharge after it occurs. The aim of the SPCC regulation is to keep discharges from occurring; therefore, discharge prevention and control measures must be given first priority consideration in the preparation of the SPCC plan.

AMENDMENTS TO THE SPCC PLAN

Once an SPCC plan has been developed, it may be amended by the U.S. EPA Regional Administrator under certain circumstances or by the facility owner or operator. The Regional Administrator may require amendments to the Plan following a single discharge at the facility in excess of 1,000 gallons, or following two discharges of more than 42 gallons that occur within any 12-month period and are reportable under the Federal Water Pollution Control Act.

The SPCC regulation requires the owner or operator to amend the Plan whenever there is a change in facility design, construction, operation, or maintenance that materially affects the facility's potential for discharging oil. Such amendments must be fully implemented as soon as possible, but not later than 6 months after the change occurs. The regulation also requires the owner or operator to review and evaluate the SPCC plan every 5 years, and amending the Plan may be part of this review. Within 6 months following the review, the owner or operator may amend the Plan to incorporate more effective control and prevention technology if the technology will significantly reduce the likelihood of a release and the technology has been field proven at the time of the review.

All technical amendments must be certified by a licensed Professional Engineer per 40 CFR 112.3(d).

ELEMENTS OF AN SPCC PLAN

While each SPCC plan is unique, there are certain elements that must be included almost without exception to make the SPCC plan comply with the provisions of 40 CFR 112. These elements include, but may not be limited to, the following:

1. Name of Facility - The name of the facility may be different from the name of the company that the facility operates under. Include both names if they are different.

2. Type of Facility - Describe briefly the purpose of the facility and the type of activities conducted there.

3. Date of Initial Operation - Provide the date that the facility began operation.

4. Location of the Facility - Provide either a description of the location or an address that can be supported by area maps. Location and topographic maps should be included in the Plan as they can be critical in determining the adverse consequences of an oil discharge. Sources for such maps include the U.S. Geological Survey, state highway department, county highway engineer, local land surveys, and city engineer. The mailing address of the facility may be different from the physical address. Include both addresses if they are different.

5. Name and Address of Owner - The address of the owner may be the same as or different from the facility location. Include both addresses if they are different.

6. Designated Person Responsible for Oil Discharge Prevention - Provide the name and title of the person with overall responsibility for the facility's discharge prevention program. This person should be thoroughly familiar with the SPCC regulation and with the facility's SPCC plan.

7. Maps and Diagrams - Provide maps and diagrams that will adequately describe the physical layout of the facility.

8. Management Approval - Provide a statement about the facility's commitment to the Plan, signed by a person with the authority to commit management to implementation of the SPCC plan.

9. Certification - A licensed Professional Engineer must review and certify the SPCC plan for it to satisfy the requirements of 40 CFR 112.3(d). By means of this certification, the Professional Engineer attests that he is familiar with the requirements of 40 CFR 112.3, that he or his agent has visited and examined the facility, that the SPCC plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of 40 CFR 112.3, that procedures for required inspections and testing have been established, and that the SPCC plan is adequate for the facility.

   Provide a statement of SPCC plan certification under the seal and signature of a licensed

Professional Engineer. The state of registration and the registration number of the Professional Engineer must also be provided. The Professional Engineer is not required to be registered in the state in which the facility is located.

The certification shall in no way relieve the facility owner/operator of his duty to prepare and implement the SPCC plan in accordance with the requirements of 40 CFR 112.3.

10. Facility Analysis - Describe the facility operation and indicate the largest magnitude of discharge possible.

11. Facility Inspection - Incorporate an up-to-date inspection report covering the facility in terms of equipment, containment, operation, drainage, security, etc., if available. An inspection report would best serve more complex facilities and is not necessarily considered an element common to all SPCC plans.

12. Review of the SPCC Plan - Provide documentation of plan reviews conducted by the owner or operator. The facility owner or operator must review the SPCC plan at least once every 5 years. These reviews must be documented.

13. Amendments to the SPCC Plan - Make amendments to the completed Plan as required by the SPCC regulation.

The complete SPCC plan, which must either follow the sequence outlined in the general requirements in Section 112.7 Subparts A, B, and C based on specific facility type, or cross reference all of these requirements, must include a discussion of the facility's site-specific conformance with the relevant guidelines in the regulation. A copy of the entire SPCC plan must be maintained at the facility if the facility is normally attended at least 4 hours per day or at the nearest field office if the facility is not so attended. The SPCC plan must be made available to the EPA Regional Administrator or to a duly authorized representative for on-site review during normal working hours.

EPA no longer requires the SPCC plan to include a history of oil discharges, although having this information in the plan would be helpful. If the owner/operator of a facility opts to include a history of oil discharges, the following information should be included:

1. Type and amount of oil discharged
2. Location, date, and time of discharge(s)
3. Watercourse affected
4. Description of physical damage
5. Cost of damage
6. Cost of cleanup
7. Cause of discharge
8. Action taken to prevent recurrence

SPCC PLAN GUIDELINES

Several industrial trade associations have developed suggested guidelines for use by their members in preparing SPCC plans. Generally, such guidelines are available for particular types of facilities and may be very helpful. For example, the American Petroleum Institute has prepared a bulletin entitled "Suggested Procedure for Development of Spill Prevention Control and Countermeasure Plans" (API Bulletin D 16). This bulletin, designed primarily for oil production facilities, may be used in addition to the regulations and other guidance documents to develop an SPCC plan. Care should be taken, however, to not rely completely on any standardized format. Each SPCC plan must be unique to the facility. Development of a unique Plan requires detailed knowledge of the facility and of the potential impact that a discharge may have.

An example SPCC plan for a modest-sized oil storage facility is included as Appendix A.

FREQUENTLY ASKED QUESTIONS

What is the U.S. Environmental Protection Agency's Oil Pollution Prevention Regulation?

It is a regulation that tries to prevent a discharge of oil into or upon the navigable waters of the United States by establishing certain requirements for owners or operators of

facilities that drill, produce, gather, store, process, refine, transfer, or consume oil. The text of the regulation is found in 40 CFR 112.

What does the regulation require a facility to do?

The regulation requires that all subject facilities have a fully prepared and implemented SPCC plan. Facilities in existence at the time the regulation went into effect in 1974 were required to have a Plan prepared within 6 months of the effective date of the regulation and to have implemented the Plan within one year of the effective date of the regulation. Facilities that came into existence between August 16, 2002 and February 18, 2005, must prepare an SPCC plan before February 18, 2005, and fully implement the Plan as soon as possible but not later than February 18, 2005. Facilities that become operational after February 18, 2005 must prepare and implement an SPCC plan before they commence operations.

What constitutes an SPCC Plan?

An SPCC plan is a detailed, site-specific written description of how a facility's operation complies with the guidelines in the regulation in accordance with general requirements in 40 CFR Subpart A (112.7) and Subpart B and C based on specific facility type.

Who is required to prepare an SPCC Plan?

The owner or operator of the facility subject to regulation is required to prepare a written SPCC plan, which must be certified by a licensed Professional Engineer.

When did this regulation go into effect?

The regulation was promulgated on December 11, 1973, and went into effect on January 10, 1974. The Final Rule became effective August 16, 2002. An Interim Final Rule and a Proposed Rule were published in the Federal Register on January 9, 2003. The Interim Final Rule grants a 60-day extension for the dates for a facility to amend and implement its SPCC plan, or in the case of facilities becoming operational after August 16, 2002, prepare and implement an SPCC plan that complies with the newly amended requirements. The Interim Final Rule was published to allow time for comments to be received on the Proposed Rule. The Proposed Rule was made Final and published in the Federal Register on April 17, 2003. The Final Rule grants an 18-month extension for the dates for a facility to amend and implement its SPCC plan.

Does the Interim Final Rule and the Proposed Rule grant any relief for facilities that have not submitted an SPCC Plan?

No. Any facility regulated under 40 CFR 112 that commenced operations prior to August 16, 2002, that was required to prepare and implement an SPCC plan but has failed to do so is not granted any relief from the obligations by either the Interim Final Rule or the Final Rule.

Which facilities are subject to the regulation?

A facility is subject to the regulation if it is a non-transportation-related facility (either onshore or offshore), if due to its location it could reasonably be expected to discharge oil into waters of the United States if a discharge should occur, and if it has:

1. Total aboveground oil storage capacity in excess of 1,320 gallons with a de minimus container capacity of 55 gallons; or
2. Total underground oil storage capacity in excess of 42,000 gallons, except for completely buried tanks subject to all technical requirements of 40 CFR 280 and 281.

The facility must address all aboveground and underground storage capacities once the facility becomes subject to 40 CFR 112. A facility may be exempt from the regulation if due to its location it could not reasonably be expected to discharge oil into or upon the navigable water of the United States. The exemption determination is based on consideration of such geographical aspects of the facility as proximity to navigable water, land contour, drainage, or so forth. The determination must exclude consideration of man-made features such as dikes, equipment, or other structures that would inhibit a discharge from reaching navigable waters.

What is a non-transportation-related facility?

1. Onshore or offshore well drilling facilities
2. Onshore or offshore mobile well drilling platforms, barges, trucks or other mobile facilities when in the fixed position for drilling operations
3. Onshore or offshore oil production facilities, fixed or mobile, including all equipment and appurtenances such as wells, wellhead separators, and storage facilities
4. Oil refining facilities, including all equipment and appurtenances such as processing units, storage units, piping, drainage systems, and waste treatment units
5. Oil storage facilities, including all equipment and appurtenances, such as bulk storage, terminal oil storage, consumer storage, pumps, and drainage systems
6. Industrial facilities which store oil
7. Commercial facilities which store oil
8. Agricultural facilities which store oil
9. Public facilities which store oil
10. Waste treatment facilities which treat oil or oil/water mixtures, including in-plant pipelines, effluent discharge lines, and storage containers.

What is a transportation-related facility?

1. Onshore and offshore terminal facilities, including transfer hoses, loading arms, and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk (including oily ballast or container washings) to or from a

vessel
2. Interstate and intrastate, onshore and offshore, pipeline systems
3. Highway vehicles and railcars used for the transport of oil interstate or intrastate commerce.

Can a facility be both transportation- and non-transportation related?

Yes. Part of a facility's operation may be transportation-related and part may be non-transportation-related. Those parts that are non-transportation related are subject to the SPCC regulation.

What determines the reasonability of a discharge to navigable waters?

Reasonablility is determined on the basis of the location of the facility in relation to a stream, ditch, or storm sewer; the volume of material likely to be discharged; drainage patterns; soil conditions; and so forth. The presence of manmade structures that would inhibit the flow of oil is not considered when making the determination.

Is a facility still subject to the regulation if it is located in such a manner that any discharge that may occur would not be expected to discharge into the waters of the United States?

No. However, the determination of exemption should be made very carefully. If any oil could reach a sewer line, drainage ditch, etc., that discharges into navigable waters, either directly or indirectly, then the facility is subject to the regulation.

Who determines whether or not a facility would reasonably be expected to discharge oil into navigable waters?

The facility owner or operator makes the determination.

What if the owner or operator decides the facility is exempt from the regulation and the decision is wrong?

The facility could be subject to the penalty provisions of the regulation for failure to comply.

What are the requirements for certifying the Plan by a licensed Professional Engineer?

A licensed Professional Engineer must review and certify the SPCC plan for it to be effective to satisfy the requirements of 40 CFR 112.3(d). By means of this certification, the Professional Engineer attests that he is familiar with the requirements of 40 CFR 112.3, that he or his agent has visited and examined the facility, that the SPCC plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards and with the requirements of 40 CFR 112.3, that procedures for required inspections and testing have been established, and that the SPCC plan is

adequate for the facility.

A statement of SPCC plan certification must be provided under the seal and signature of a licensed Professional Engineer. The state of registration and the registration number of the Professional Engineer must also be provided. The Professional Engineer is not required to be registered in the state in which the facility is located.

The certification shall in no way relieve the facility owner/operator of his duty to prepare and implement the SPCC plan in accordance with the requirements of 40 CFR 112.3.

When the SPCC plan is completed and certified, is it sent to EPA for review?

No. A certified copy of the SPCC plan is required to be available at the facility for EPA on-site review if the facility is attended at least 4 hours a day. If the facility is attended less than 4 hours a day, then the SPCC plan must be kept at the nearest company office. However, if the facility has a single discharge of more than 1,000 gallons or two discharges of 42 gallons in any 12-month period, certain items of information as listed in 40 CFR 112.4(a) must be submitted to EPA, and to the agencies in charge of oil pollution control activities in the State in which the facility is located for review.

Who reviews the SPCC plan and how often is the SPCC plan reviewed?

The owner or operator is required to review the SPCC plan at least once every 5 years. Every review must be documented.

Who can amend an SPCC plan?

The owner or operator of a facility may amend an SPCC plan to include updated information and to reflect changes in procedure. In certain cases, the EPA Regional Administrator may require the amendment of a facility's SPCC plan.

When must an SPCC plan be amended by the facility operator?

The regulation requires the owner or operator to amend the Plan within 6 months following a review to incorporate more effective control and prevention technologies if the technology will significantly reduce the likelihood of a release, and the technology has been field proven at the time of review. The owner or operator must also amend the SPCC plan whenever there is a change in the facility design, construction, operation or maintenance that materially affects the facility's potential for discharge into navigable waters of the United States or adjoining shorelines, as described in 40 CFR 112.5. Such amendments must be fully implemented no later than 6 months after the change occurs. Technical amendments must be certified by a licensed Professional Engineer in accordance with Section 112.3(a) of the regulation.

When might an SPCC plan be amended by EPA?

The U.S. EPA Regional Administrator may amend the Plan following a single discharge at the facility in excess of 1,000 gallons or following two discharges within any 12-month period that are 42 gallons or more and are reportable under the Federal Water Pollution Control Act. Within 60 days following such a discharge(s), the facility owner or operator must submit certain information to the Regional Administrator and to the state agency in charge of water pollution control activities. The owner or operator must also submit a description of the causes of the discharge and the corrective action taken, and any additional information pertaining to the Plan or discharge event.

After review of the information, the Regional Administrator may inform the facility owner or operator that amendments to the Plan are necessary to prevent and contain any future discharges from the facility. Within 30 days of notification of the Regional Administrator's decision, the owner or operator may submit written information, views, and arguments on the proposal. The Regional Administration will consider this new information and may either notify the owner or operator of any amendments required or rescind the original notice. Any required amendments must become part of the facility's SPCC plan within 30 days after notification and must be implemented within 6 months after the amendments become part of the Plan, unless the Regional Administrator specifies another date.

Amendments made in this manner must also be certified by a registered Professional Engineer in accordance with Section 112.3 of the regulation.

When a production lease consists of several operations, such as wells, oil/water separators, collection systems, tank batteries, etc., does each operation require a separate SPCC plan?

No. One SPCC plan may include all operations within a single geographical area; however, each operation must be addressed in the SPCC plan.

Is every loss of oil or oil product subject to a penalty?

A discharge is defined in the Federal Water Pollution Control Act as including but not limited to any discharging, leaking, pumping, pouring, emitting, emptying, or dumping *that enters the waters of the U.S. or the adjoining shorelines in harmful quantities.* If a discharge occurs and enters the water, a penalty may be assessed.

Penalties are determined using the following factors:

- Seriousness of violation
- Economic benefit to violator resulting from violation
- Degree of culpability involved
- Penalties for same incident from other agencies
- Violation history
- Efforts by the violator to minimize effects of discharge
- Economic impact of the penalty on violator
- Any other matters as justice may require

What is considered to be a harmful quantity?

A harmful quantity of oil is a discharge that results in a violation of applicable water quality standards; causes a film or sheen upon the water or adjoining shorelines; discolors the water or adjoining shorelines; or causes an emulsion or sludge to be deposited beneath the surface of the water or upon adjoining shorelines.

What are considered navigable waters?

Navigable waters of the U.S. are defined in Section 502(7) of the Federal Water Pollution Control Act (FWPCA), and include:

1. All navigable waters of the U.S., as defined in judicial decisions prior to the passage of the 1972 amendments to the FWPCA, and the tributaries of such waters;
2. Interstate waters, including interstate wetlands;
3. Intrastate lakes, rivers, and stream which are utilized by interstate travelers for recreational or other purposes; and
4. Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in intrastate commerce.

What penalties are assessed for failure to comply with the regulation?

Title 33 of the United States Code, Section 1321 (33 USC 1321), Oil and hazardous substance liability, contains Class I and Class II penalty information.

When should the National Response Center (800-424-8802, toll free) be called?

Any discharge of oil involving U.S. waters must be reported to the National Response Center by the person in charge of the vessel, facility, or vehicle from which the discharge occurs. Threats of discharges or releases should be reported. The procedures for such notification are set forth in 33 CFR 153, 40 CFR 110, 40 CFR 112 and 40 CFR 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

Does a state spill plan meet the requirements of a Federal SPCC plan?

Not necessarily. If the state spill plan is intended to be used as the Federal SPCC plan, it must meet or exceed all the requirements under 40 CFR Part 112. The state spill plan must express clearly that it addresses both the state and Federal regulations. The state spill plan must also be supplemented with a section cross-referencing the location of requirements listed in 40 CFR 112.7 and the equivalent requirements in the state spill plan.

What counts towards storage capacity?

Aboveground: Storage capacity includes the capacity of all containers such as

containers, tanks, portable containers, transformers, and containers with a de minimus capacity of 55 gallons. The capacity of any empty containers that may be used to store oil and are not permanently taken out of service is also counted in the facility total storage capacity.

Underground: Storage capacity includes the capacity of all completely buried containers such as containers, tanks, portable containers, transformers, and containers with a de minimus capacity of 55 gallons. For purposes of determining whether a facility is regulated by having greater than 42,000 gallons of completely buried storage capacity, completely buried tanks subject to all the technical requirements of 40 CFR Parts 280 and 281 do not count when calculating storage capacity.

Does the term "oil" include vegetable oil, transformer oil, and other non-petroleum-based oil?

Yes. "Oil" is defined in 40 CFR 112.2. as *oil of any kind* or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This definition has been interpreted to include vegetable oil, mineral oil, transformer oil, and other oils. Subpart C of 40 CFR 112 presents specific requirements for facilities with process or use non-petroleum-based oils.

Are transformers covered under the SPCC regulation?

Electrical transformers and similar equipment are covered by the SPCC regulation provided that they contain sufficient quantities of oil, and, due to location, can reasonably be expected to discharge their oil into navigable waters or adjoining shorelines.

If the drainage from a facility discharges into a sewer system, is this facility required to have an SPCC plan?

If the sewer is a storm sewer or combined sewer and the discharge could reasonably be expected to reach navigable waters, a Plan would be required. If the flow from the sewer is entirely treated in the facility's sewage treatment plant, then an engineering assessment should be made by the owner or operator as to whether or not the treatment system could handle the maximum possible volume of oil without exceeding the permitted amount at the plant. If the system could not handle the oil, then an SPCC plan would be required.

Are SPCC plans required for hazardous substances or hazardous wastes?

Only in the event that the hazardous substances or hazardous wastes are mixed with oil.

If a container is taken out of service, what measures must a facility take in order to be

exempt from SPCC regulations?

Any container taken out of service must have all pipes and fittings sealed to be excluded from facility storage capacity calculations. If, after the containers are taken out of service, the facility storage capacity is below regulatory amounts, then the facility will be exempt from the SPCC regulations.

Do the SPCC regulations spell out design requirements for diking, curbing, etc.?

The SPCC regulations require diked areas for storage containers to be sufficiently impervious to contain any discharged oil. A bulk storage container installation should be constructed so that a secondary means of containment is provided for the entire contents of the largest single container plus sufficient freeboard to allow for precipitation. Containment curbs and pits are sometimes used as secondary containment, but they may not always be appropriate.

Are double-walled containers and other alternative aboveground storage containers satisfactory to meet the secondary containment requirements for SPCC?

Double-walled containers may provide adequate secondary containment; however, the valving must be designed so that accidental release from the inner container (from such occurrences as an inadvertent valve opening or a failure) are completely contained within the outer container. The inner container should be an Underwriter's Laboratory-listed steel container, the outer wall should be constructed in accordance with nationally accepted industry standards (e.g., those codified by the American Petroleum Institute, the Steel Tank Institute, and American Concrete Institute), the container should have an overfill alarm and an automatic flow restriction or flow shut-off, and all product transfers should be constantly monitored.

Other "alternative aboveground storage containers," such as small containers with an attached shop-fabricated containment dike, may be satisfactory in meeting the secondary containment requirements for SPCC. If "alternative aboveground storage containers" are utilized, an SPCC plan must still be prepared and certified by a registered Professional Engineer. If the engineer does not certify that these containers will provide adequate secondary containment, other containment systems must be implemented.

Must each tank, drum, or other oil storage container have individual secondary containment?

Not necessarily. A single dike may be used for a group of containers. A dike for a tank battery is required to contain the volume of the largest single container within the battery plus sufficient freeboard to allow for precipitation. The dike should be sufficiently impervious to contain any discharged oil from the tank battery.

Should containers be inspected by the facility?

Yes. All aboveground containers should be subject to integrity testing on a regular schedule, taking into account container design and using such techniques as hydrostatic testing, visual inspection, or a system of non-destructive shell thickness testing. Container supports and foundations should be included in these inspections.

Completely buried storage tanks represent a potential for undetected discharges. A new buried installation should be protected from corrosion by coatings. Completely buried tanks should at least be subject to regular leak testing.

What authorities do states have under SPCC regulation?

Section 311 of the Clean Water Act does not permit EPA to delegate the SPCC Program to the states. States may perform SPCC inspections at the request of the EPA; however, the overall review process of the inspection is the responsibility of the EPA. This review process is handled within the Regional EPA office.

Where can I get additional information concerning SPCC regulations?

Call or write the SPCC Coordinator as follows:

Regina A. Starkey, SPCC Coordinator - 3HS32
U.S. Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-3292

or call:

The SPCC/FRP Information Line, (215) 814-3452

Should the SPCC Coordinator be unavailable to answer questions, please leave a message on the voice mail system.

APPENDIX A

EXAMPLE SPCC PLAN
WITH AMENDMENT

APPENDIX C

40 CFR PART 109

CRITERIA FOR STATE, LOCAL, AND REGIONAL
OIL REMOVAL CONTINGENCY PLANS

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APPENDIX D

40 CFR PART 110

DISCHARGE OF OIL

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APPENDIX E

33 CFR PART 153.201

NOTICE OF DISCHARGE OF OIL OR A HAZARDOUS SUBSTANCE

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APPENDIX F

40 CFR PART 112

FINAL RULE, DATED JULY 17, 2002

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APPENDIX G

40 CFR PART 112

INTERIM FINAL RULE
(60-DAY EXTENSION)

DATED JANUARY 9, 2003

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APPENDIX H

40 CFR PART 112

FINAL RULE
(18-MONTH EXTENSION)

DATED APRIL 17, 2003

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SECTION 2

COMMONLY USED CWA-OPA-SPCC ACRONYMS

IMPORTANT SPCC DEFINITIONS

COMMONLY USED CWA-OPA-SPCC ACRONYMS

ACP	Area Contingency Plan
API	American Petroleum Institute
AST	Aboveground Storage Tank
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980
CFR	*Code of Federal Regulations*
CWA	Clean Water Act
DOJ	Department of Justice
DOT	U.S. Department of Transportation
EPA	U.S. Environmental Protection Agency
ERNS	Emergency Response Notification System
FRP	Facility Response Plan
FWPCA	Federal Water Pollution Control Act
IACP	Inland Area Contingency Plan
MOU	Memorandum of Understanding
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPDES	National Pollutant Discharge Elimination System
NRC	National Response Center
NRT	National Response Team
OPA	Oil Pollution Act of 1990
PE	Professional Engineer
PREP	National Preparedness For Response Exercise program
RA	Regional Administrator
RCP	Regional Contingency Plan
RCRA	Resource Conservation & Recovery Act
RQ	Reportable Quantity
SIC	Standard Industrial Classification (Code)
SPCC	Spill Prevention, Control, and Countermeasure
USCG	U.S. Coast Guard
UST	Underground Storage Tank
WHPA	Wellhead Protection Area

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IMPORTANT SPCC DEFINITIONS

Adverse Weather means weather conditions that make it difficult for response personnel to clean up or remove spilled oil and that must be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in Appendix E of 40 CFR 112 (as appropriate), ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment are intended to function.

Alteration means any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Animal Fat means a non-petroleum oil, fat or grease of animal, fish, or marine mammal origin.

Applicable Water Quality Standards are water quality standards adopted by a state pursuant to Section 303 of the FWPCA or promulgated by the EPA pursuant to that section.

Breakout tank means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical operating or manufacturing equipment is not a bulk storage container.

Bunkered tank means a container constructed or placed in the ground by cutting the earth and covering the container in a manner that breaks the surrounding natural grade or that lies above grade and is covered with earth, sand, gravel, asphalt, or other material. For the purposes of 40 CFR 112, a bunkered tank is considered an aboveground storage container.

Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under Section 311(j) of the CWA.

Contiguous zone means the zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract or other approved means:

(1) A written contractual agreement with an oil spill removal organization that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic area; and/or

(4) Any other specific arrangement approved by the Regional Administrator upon request of the owner or operator.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term "discharge" shall not include any discharge of oil that is authorized by a permit issued under Section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Facility means any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used, as described in 40 CFR 112 Appendix A. The boundaries of a facility depend on several site-specific factors, including but not limited to the ownership or operation of buildings, structures, and equipment on the same site and the types of activity at the site.

Fish and wildlife and sensitive environments means areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge or exposure to a product of reactions resulting from a discharge.

Harmful Quantity is a quantity of oil which:

1. Violates applicable water quality standards; or
2. Causes a film or sheen upon or discoloration of the surface of the water of adjoining shorelines; or
3. Causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

Discharges from properly operating vessel engines are exempted.

Maximum extent practicable means within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst-case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst-case discharge in adverse weather, as contained in a response plan that meets the requirements in 40 CFR 112.20 or in a specific plan approved by the Regional Administrator.

Navigable waters means the waters of the United States, including the territorial seas.

(1) The term includes:

(i) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;

(ii) All interstate waters, including interstate wetlands;

(iii) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce, including any such waters:

(A) That are or could be used by interstate or foreign travelers for recreational or other purposes; or

(B) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(C) That are or could be used for industrial purposes by industries in interstate commerce;

(iv) All impoundments of waters otherwise defined as waters of the United States under this section;

(v) Tributaries of waters identified in paragraphs (1)(i) through (iv) of this definition;

(vi) The territorial sea; and

(vii) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (1) of this definition.

(2) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds which also meet the criteria of this definition), are not waters of the United States. Navigable waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

Offshore facility means any facility of any kind (other than a vessel or public vessel) located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.

Oil means oil of any kind or in any form, including, but not limited to fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Oil spill removal organization means an entity that provides oil spill response resources and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

Partially buried tank means a storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material. For the purposes of 40 CFR 112, a partially buried tank is considered an aboveground storage container.

Permanently closed means any container or facility for which:

1. All liquid and sludge has been removed from each container and connecting line; and

2. All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Person includes an individual, firm, corporation, association, or partnership.

Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation, or treating of oil, or associated storage or measurement, and located in a single geographical oil or gas field operated by a single operator.

Regional Administrator means the Regional Administrator of the U.S. Environmental Protection Agency in and for the Region in which the facility is located.

Repair means any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by 40 CFR 112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Storage capacity means the shell capacity of the container.

Transportation-related and non-transportation-related, as applied to an onshore or offshore facility and defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the U.S. Environmental Protection Agency, dated November 24, 1971.

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Pacific Island Governments.

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a

frequency or duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

Worst-case discharge means the largest foreseeable discharge in adverse weather conditions for an onshore non-transportation-related facility as determined using the worksheets in Appendix D of 40 CFR 112.

Source: 40 CFR Part 112 (7-17-02)

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SECTION 3

SPCC COURSE SLIDES

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SECTION 4

* WHAT TO EXPECT DURING AN SPCC INSPECTION

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WHAT TO EXPECT DURING AN SPCC INSPECTION

When an SPCC inspector visits your facility, a few things can make the inspection proceed more smoothly. The inspector will announce him/herself and ask for the person responsible for the facility SPCC plan. The inspector should be directed to a person who can present the inspector with the written SPCC plan and answer questions about the plan. The inspection will start with the Inspection/Plan Review. Important information for the completion of this form includes the facility address and phone number, owner or operator address and phone if different, a company contact, and a brief synopsis of the facility operations. The facility contact will be asked to sign the acknowledgment form, and a copy will be given to him/her as a record of the inspection.

The inspection is an evaluation of the effectiveness of your written SPCC plan and the application of that plan at your facility. The SPCC plan must have been reviewed and certified by a licensed Professional Engineer (P.E.), and the inspector will want to see the P.E.'s attestation, registration number, signature, and seal on the plan. The plan must also contain documentation verifying that the Plan was reviewed every 5 years. In addition, the inspector will want to verify if the Plan has been amended as required and that the technical amendments were certified by a licensed P.E.

After reviewing the written plan, the inspector will conduct a site tour and ask specific questions regarding the implementation of the facility Plan. Other information that will be helpful include a site map, a list of containers and their storage capacity, and the location of the nearest navigable waters, storm sewers etc. Any questions regarding the inspection can be posed to the inspector/OSC in charge of the inspection.

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